

Amendment
Serial No. 10/776,720

Docket 5000-1-495

REMARKS

Reconsideration of the above-identified application in view of the amendments to the claims and the following remarks is respectfully requested.

Claims 1-17 are rejected. Claim 1 is an independent claim. Claims 1-17 are pending.

Claims 13-15 stand rejected under 35 USC § 112, paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicants have cancelled claims 13 and 14, and amended claim 15 to dependent on claim 3.

Applicants respectfully request withdrawal of this ground of rejection.

Claims 1, 3, 5-9 and 13-15 stand rejected under 35 USC § 102(b) as being anticipated by Lee, et al. (US Pub. No. 2001/0004290). Moreover, dependent claims 2, 4, 10-12 and 16 stand rejected under 35 USC § 103(a) as being unpatentable over Lee et al.

Applicants have amended base claim 1 to incorporate dependent claims 2 and 4 which were originally presented with the filing of the instant application.

Claim 1, as amended, now recites, a WDM (Wavelength Division Multiplexing) optical transmission apparatus for outputting an optical signal having a plurality of channel signals over an external waveguide, comprising, *inter alia*, "wherein the antireflection coating layer has a reflection rate of 0.1~30 % and the high reflection coating layer has a reflection rate of 70~100 %."

In the outstanding Office Action, it is admitted that Lee et al does not expressly disclose specific numbers for values such as reflection rates and ambient temperatures, because this is mere 'design choice' obtain by routine experimentation. Applicants

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respectfully request that the Examiner to review the 'background of invention' section of the instant application, specifically page 3, line 3 to page 4, line 12, where the present invention discloses the specific difficulties found in conventional FP lasers with respect to temperatures and reflection rates. In other words, conventional FP lasers requires temperature controller to operate, while the present invention solves this problem by providing the antireflection coating layer having a reflection rate of 0.1~30 % and the high reflection coating layer having a reflection rate of 70~100 %, as recited in the amended base claim.

Accordingly, the Examiner is in error in his conclusion of mere design choice in light of the clear disclosure in the specification. Absent, a specific reference to rebut the applicant's assertion that conventional FP laser require a temperature controller the rejections of claims should be withdrawn. No prior art has been provided to anticipate, suggest or teach the antireflection coating layer having a reflection rate of 0.1~30 % and the high reflection coating layer having a reflection rate of 70~100 %, as recited in the amended base claim.

Applicants respectfully request withdrawal of this ground of rejection.

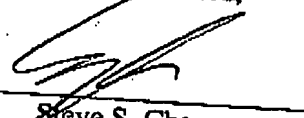
The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,



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